

Return Date: January 25th, 2010
Time: 1:35 P.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 10-38621 CGM

RICHARD E. ULLOA,

NOTICE OF MOTION

Debtor(s)

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PLEASE TAKE NOTICE, that upon the annexed application of Jeffrey L. Sapir the Chapter 13 Trustee herein, a motion will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at 355 Main Street, Poughkeepsie, New York, on the 25th day of January, 2010, at 1:35 P.M. for an order dismissing the Chapter 13 case pursuant to 11 U.S.C. §1307(c)(1), (c)(3), (c)(4) and (c)(9); §521(i) and §521(e)(2)(A)(i) and (2)(B); on the ground that there has been unreasonable delay by the debtor that is prejudicial to creditors, in that the debtor has failed to file with this Court the schedules, statement of financial affairs; copies of all payment advices or evidence of other payments received within 60 days; and the “means test”; failed to provide copies of federal and state tax returns for the most recent years prior to the commencement of the bankruptcy proceeding; failed to file a plan; and failed to remit timely plan payments; failed to appear and be examined at a 341(a) meeting of creditors; and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and (a) must comply with the Bankruptcy Court's electronic filing system in \

accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York
December 29th, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir, Esq. (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
74 Chapel Street
Albany, New York 12207

Richard E. Ulloa
22 Mountain Ridge Road
P.O. Box 771
Stone Ridge, New York 12484

NYS Department of Taxation & Finance
Bankruptcy Section
P.O. Box 5300
Albany, New York 12205

Wells Fargo Bank, NA
Home Equity Group
One Home Campus X2303-01-A
Des Moines, Iowa 50328-0001

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 10-38621 CGM

RICHARD E. ULLOA,

APPLICATION

Debtor(s)

-----X

TO THE HON. CECILIA G. MORRIS, BANKRUPTCY JUDGE:

1. The debtor filed the instant voluntary Chapter 13 proceeding on November 29th, 2010.

2. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1); (c)(3) and (c)(4).

3. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file the schedules, statement of financial affairs, copies of all payment advices or evidence of other payments received within 60 days, and the “means test”.

4. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors*, copies of federal and state tax returns for the most recent years prior to the commencement of the case.

5. Additionally, the debtor has failed to file a plan in violation of Federal Rules of Bankruptcy Procedure Rule 3015(b).

6. The debtor has failed to remit timely plan payments to the trustee, having remitted -0- payments, and being, at this juncture one month(s) in arrears.

7. The debtor failed to appear and be examined at the initial 341(a) meeting of creditors.

8. The debtor having failed to comply with the abovementioned sections of the

Bankruptcy Code, this Chapter 13 case should be dismissed pursuant to 11 U.S.C. §§1307(c)(1), (c)(3) (c)(4), (c)(9); §521(i) and §521(e)(2)(A)(i) and (2)(B); and for such other and further relief as this Court may deem just and proper.

Dated: White Plains, New York
December 29th, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 10-38621 CGM

RICHARD E. ULLOA,

Debtor(s)

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AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in
the County of Westchester, State of New York.

On December 29th, 2010, I served a true copy of the within document, to the
herein listed parties at the address(es) designated for that purpose, by mailing same in a properly
sealed envelope with postage prepaid thereon, in an official depository of the United States
Postal Service within the State of New York to the following:

TO: United States Trustee
74 Chapel Street
Albany, New York 12207

Richard E. Ulloa
22 Mountain Ridge Road
P.O. Box 771
Stone Ridge, New York 12484

NYS Department of Taxation & Finance
Bankruptcy Section
P.O. Box 5300
Albany, New York 12205

Wells Fargo Bank, NA
Home Equity Group
One Home Campus X2303-01-A
Des Moines, Iowa 50328-0001

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
29th day of December, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/14